

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, et al.,

Plaintiffs,

-against-

SANTARUS, INC. and DR. SHIVINDER  
NARWAL,

Defendants.

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**AMON, Chief United States District Judge.**

NOT FOR PUBLICATION  
**MEMORANDUM & ORDER**  
11-cv-3083 (CBA) (JML)

On November 1, 2013, this Court issued an order denying Relator's application to maintain the seal on this qui tam action. (D.E. # 16.) However, the order not only unsealed the complaint, but also inadvertently caused all other documents filed in this case, including motions filed by the United States for extensions of the sixty-day investigative period, to be unsealed. When the Government brought the error to the Court's attention, the Court directed the Clerk of Court to temporarily reseal the action pending a further order.

However, having reviewed the matter more closely, the Court questions whether any of the submissions in this case should remain under seal. Apart from the complaint and several Stipulation and Orders extending time to intervene, the record in this case contains two letters submitted by the Government (see D.E. # 8, 11), which do not appear to disclose any confidential investigative techniques or information which could jeopardize an ongoing investigation. As the Government itself noted in its response to Relator's request to keep this action sealed, there is a "strong presumption" in favor of access to judicial records. See Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 119 (2d Cir. 2006). This presumption applies to

complaints and Government memoranda alike. See, e.g., United States by Dep't of Def. v. CACI Int'l, 885 F. Supp. 80, 83 (S.D.N.Y. 1995) (finding “no grounds for retaining the court’s files under seal” where the “Government does not argue . . . how disclosure of all the materials now under seal would be harmful”).

Accordingly, the Government is ordered to show cause, by January 13, 2014, why this action should not be unsealed in its entirety.

SO ORDERED.

Dated: December 30, 2013  
Brooklyn, N.Y.

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/s/  
Carol Bagley Amon  
Chief United States District Judge